

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C. C. ROBINSON, Minor.

UNPUBLISHED
November 14, 2013

No. 315298
Genesee Circuit Court
Family Division
LC No. 09-125927-NA

Before: OWENS, P.J., and JANSEN and HOEKSTRA, JJ.

PER CURIAM.

Respondent mother appeals by right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), (j), and (l). We affirm.

The original petition alleged that respondent lacked stable housing and income, that she had mental health issues, that her four older children were court wards, and that there was a termination petition pending regarding them. Respondent subsequently entered a plea to an amended petition and the court assumed jurisdiction over this child as well. The court ordered respondent to comply with various services, visit her child, and obtain and maintain a legal source of income and appropriate and stable housing. Shortly thereafter, a termination hearing was conducted regarding respondent's four older children. The court ultimately entered an order terminating respondent's parental rights to those children.¹

Approximately 15 months after the initial petition involving the minor child at issue in this appeal, the trial court authorized a supplemental petition seeking termination of respondent's parental rights to the child. The petition alleged that respondent lacked suitable housing and income, inconsistently visited her son, and had poor judgment, reasoning, and insight. Following a two day hearing, the court terminated respondent's parental rights. Respondent now appeals.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Only one statutory

¹ This Court has affirmed that decision. *In re Robinson/Shelton/Rhea, Minors*, unpublished opinion per curiam of the Court of Appeals, issued July 24, 2012 (Docket No. 306728).

ground need be established to support termination of a respondent's parental rights. *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of the respondent's parental rights if the court finds that it would be in the best interests of the child to do so. MCL 712A.19b(5). The trial court's decisions are reviewed for clear error. MCR 3.977(K). A decision is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake was made. *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010).

Petitioner presented sufficient evidence to establish the statutory ground set forth in MCL 712A.19b(3)(l) by clear and convincing evidence. Respondent's parental rights to her four other children had already been terminated pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). Although only one statutory ground need be proven to terminate a respondent's parental rights, *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009), we conclude that petitioner presented sufficient evidence to establish the statutory grounds set forth in MCL 712A.19b(3)(c)(i), (g), and (j) as well.

The issues that led to adjudication included insufficient housing, unstable income, and concerns about respondent's mental health. None of those issues had been resolved at the time of the termination hearing. Respondent had no suitable housing of her own and had failed to maintain stable and appropriate housing during the proceedings. Respondent was currently unemployed and had not maintained an income. Her only plan was to rely on her boyfriend for support. Further, respondent had been inconsistent in attending counseling to address her mental health needs, and was therefore not in compliance with this aspect of her treatment plan. The evidence established that the conditions that led to the adjudication continued to exist and would not be rectified within a reasonable time. The evidence also established that there would be a risk of harm to the child if returned to respondent's care and that respondent had failed to provide proper care and custody for the child and would not be able to do so within a reasonable time considering the child's age.² We perceive no error in the trial court's determination that the statutory grounds set forth in §§ (3)(c)(i), (g), and (j) were established by clear and convincing evidence.

Contrary to respondent's claim, our review of the record indicates that petitioner made reasonable reunification efforts by providing services intended to rectify respondent's issues with housing, income, mental health, and visitation. See MCL 712A.19a(2); *Mason*, 486 Mich at 152;

² One of the new conditions was respondent's lack of visitation with the child. It appears that respondent failed to visit the child because she lacked transportation to the visitation site, which was more than two hours away from her home. Petitioner did provide a plan to accommodate the distance, but it is unclear whether respondent was given "a reasonable opportunity to rectify" this issue. See MCL 712A.19b(3)(c)(ii). Regardless, we need not determine whether the statutory ground set forth in § (3)(c)(ii) was established by clear and convincing evidence because only one ground must be proven to terminate a respondent's parental rights. *In re HRC*, 286 Mich App at 461.

In re Frey, 297 Mich App 242, 247; 824 NW2d 569 (2012). Respondent simply did not benefit sufficiently from petitioner's efforts.

Nor did the trial court err in its determination of the child's best interests. In deciding whether termination is in a child's best interests, a court may consider the parent-child bond, the respondent's parenting ability, the child's need for permanency, stability, and finality, and the suitability of the child's foster home. *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). As noted, respondent had failed to maintain suitable and stable housing or income for a substantial period of time. She had also failed to fully comply with the mental health aspect of her treatment plan. The child had been in the same foster home since two days after his birth, was strongly bonded with his foster parent, and was thriving in his placement. The child's older sibling was placed in the same home and the child was bonded with him as well. In light of these circumstances, the trial court did not clearly err by concluding that termination was in the child's best interests.

Affirmed.

/s/ Donald S. Owens
/s/ Kathleen Jansen
/s/ Joel P. Hoekstra